

EXHIBIT 42

KOM *SRT/VM*
31491

Donn W. Furman
Deputy City Attorney
1390 Market Street, Suite 418
San Francisco, California 94102

November 15, 2004

Re: State Water Resource Control Board (SWRCB), Application 31491

Ref: Your letter to Yoko Mooring, dated November 8, 2004

Dear Mr. Furman:

I have discussed the reference letter with Yoko Mooring.

You are correct that the City and County of San Francisco was not a party in the Modesto & Turlock Irrigation Districts exchange agreement, dated December 30, 1992. Additionally, I understand my water rights are junior to the City and County of San Francisco as documented by the terms we have agreed to and contained within SWRCB Permit 20784.


I would like to confirm that the "updated" water exchange agreement is inclusive of the quantities required under Permit 20784 and Application 31491.

Finally, I have no objection to the changes you propose on the last page of the referenced letter.

Lastly, I consider the above matters resolved; and thereby will assume you will not request an extension of time to file a protest in the matter of SWRCB Application 31491.

If you have any questions or comments do not hesitate to contact me @ (208) 345-5170.

Sincerely,


G. Scott Fahey, Applicant
SWRCB Application 31491

cc: Yoko Mooring
State Water Resource Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, California
95812-2000

STATE WATER RESOURCES
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